



The Commonwealth of Massachusetts

**DEPARTMENT OF
TELECOMMUNICATIONS AND ENERGY**

D.T.E. 05-85

December 27, 2005

Petition of Boston Edison Company, Cambridge Electric Light Company, Commonwealth Electric Company and NSTAR Gas Company, pursuant to General Laws Chapter 164, § 94, and 220 C.M.R. §§ 5.00 et seq. for approval of a rate settlement effective January 1, 2006.

HEARING OFFICER RULING ON PETITIONS TO INTERVENE

I. INTRODUCTION

On December 6, 2005, Boston Edison Company, Cambridge Electric Light Company, Commonwealth Electric Company and NSTAR Gas Company (the “Companies”) filed with the Department of Telecommunications and Energy (“Department”) for approval pursuant to G.L. c. 164, § 94, and 220 C.M.R. §§ 5.00 et seq. a rate settlement agreement (“Settlement”) entered into with the Attorney General of the Commonwealth of Massachusetts, the Low-Income Energy Affordability Network and the Associated Industries of Massachusetts (collectively with the Companies, the “Settling Parties”). Specifically, the Companies filed: (1) a Joint Motion for Approval of Settlement; and (2) the Settlement that purports to resolve a proposed base rate case and certain ancillary matters. In addition, the Companies included in

their filings tariffs, testimony and schedules intended to support a base rate increase of \$89.3 million.

On December 7, 2005, the Department issued an Order of Notice to the Companies requiring newspaper publication and specified service of a Notice of Filing and Public Hearing (“Notice”) concerning the Settlement filing. The Notice, among other things, required that any petitions to intervene in this proceeding be filed with the Department no later than the close of business on December 20, 2005. Timely petitions to intervene were filed by: the City of Boston, the Cape Light Compact, Constellation Energy Commodities Group, Inc., Constellation NewEnergy, Inc., the Department of Energy Resources, Direct Energy Services, LLC, Dominion Constellation Energy, The Energy Consortium (“TEC”)¹, President and Fellows of Harvard College, ISO-New England Inc., and Massachusetts Electric Company d/b/a National Grid. The Massachusetts Institute of Technology (“MIT”) filed a petition to intervene on December 21, 2005, stating that it inadvertently failed to file its petition to intervene on December 20, 2005, because of a communications and computer breakdown. Based on a consideration of the circumstances, I find that good cause exists to waive the filing deadline as it applies to MIT’s petition to intervene, and it is accepted for consideration.

The Companies did not file answers to any of the petitions to intervene.²

¹ TEC filed a “Conditional Petition to Intervene,” stating that it seeks full-party intervenor status only if the Department conducts evidentiary hearings in this matter (TEC petition to intervene at 3).

² On December 22, 2005, the Companies filed reply comments to written comments
(continued...)

II. RULING

Based on a consideration of the filings in this case, pursuant to 220 C.M.R. § 1.03(1)(e), I hereby allow all of the entities that filed petitions to intervene in this proceeding to intervene as parties; provided, however, that, consistent with its conditional petition to intervene, TEC shall be allowed to participate as a limited participant because the Department has not instituted evidentiary hearings in this proceeding.

As provided in the Notice, the parties are hereby given further notice that, pursuant to G.L. c. 164, § 94, public hearings in this proceeding will be held on December 29, 2005, beginning at 7:00 p.m. as follows:

Boston Edison Company
City of Boston, 7:00 p.m.
Boston City Hall - Piemonte Room
City Hall Plaza
Boston, Massachusetts

Cambridge Electric Light Company
City of Cambridge, 7:00 p.m.
Cambridge Senior Center
806 Massachusetts Avenue
Cambridge, Massachusetts

² (...continued)
submitted in this proceeding. In its reply comments, the Companies stated that their “silence [concerning petitions to intervene] should not be construed as acquiescence that those entities have demonstrated that they are entitled to be granted intervenor status or agreement with any assertions made in those petitions” (Companies’ reply comments at 5, n.1).

Commonwealth Electric Company

Town of Yarmouth, 7:00 p.m.

Yarmouth Town Hall - Main Hearing Room, Lower Level
1146 Route 28
South Yarmouth, Massachusetts

NSTAR Gas Company

City of Worcester, 7:00 p.m.

Worcester Public Library
3 Salem Square
Worcester, Massachusetts

Under the provisions of 220 C.M.R. § 1.06(6)(d)(3), any aggrieved party may appeal this Ruling to the Commission in writing by December 28, 2005, at 5:00 p.m. A copy of this Ruling must accompany any appeal. Any response to any appeal must be filed in writing by December 29, 2005, at 5:00 p.m.

/s/
Shaela Collins, Hearing Officer

December 27, 2005

cc: Mary Cottrell, Secretary
Commission